

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WYLIE C.,¹

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,²

Defendant.

Case No. 6:17-cv-00231-AA
OPINION AND ORDER

AIKEN, Judge:

Plaintiff Wylie C. requests an award of attorney fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. The Court has reviewed the proceedings and the amount of fees sought and GRANTS plaintiff’s Application for Fees Pursuant to EAJA (doc. 23) with the following modifications. Plaintiff requests and award of attorney fees in the amount of \$4,841.03 for the 24.60 hours plaintiff’s counsel spent working on the case. Plaintiff’s request is

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the non-governmental party in this case. Where applicable, this opinion uses the same designation for a non-governmental party’s immediate family member.

² Nancy A. Berryhill’s term as the Acting Commissioner of the Social Security Administration ended on November 17, 2017, and a new Commissioner has not yet been appointed. The official title of the head of the Social Security Administration is the “Commissioner of Social Security.” 42 U.S.C. § 902(a)(1). A “public officer who sues or is sued in an official capacity may be designated by official title rather than name.” Fed. R. Civ. P. 17(d). This Court, therefore, refers to defendant only as Commissioner of Social Security.

based on the 2017 statutory hourly rate of \$196.79. But plaintiff's counsel performed 7.1 hours of that work in the first half of 2018, when the statutory hourly rate increased to \$200.78. Under the applicable hourly rates, plaintiff would be entitled to \$3,443.83 for 17.5 hours of work performed by counsel in 2017 and \$1,425.54 for 7.1 hours of work performed by counsel in 2018, for a total award of \$4,869.36 in attorney fees. The Commissioner does not object to plaintiff's request for attorney fees, or to applying the 2018 rate for the hours of work performed by counsel in 2018. Def.'s Resp. to Appl. for Fees 2.

THEREFORE, attorney fees in the amount of \$4,869.36 are awarded to plaintiff, pursuant to the EAJA, 28 U.S.C. § 2412. The award shall be made payable to plaintiff's attorney if the Commissioner confirms that plaintiff owes no debt to the government.

IT IS SO ORDERED.

Dated this 17 day of September 2018.

A handwritten signature in cursive script, appearing to read "Ann Aiken", is written over a horizontal line.

Ann Aiken
United States District Judge